

**ASSEMBLY BILL**

**No. 1623**

---

**Introduced by Assembly Member Klehs**

February 22, 2005

---

An act to add Chapter 2.66 (commencing with Section 65089.20) to Division 1 of Title 7 of the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1623, as introduced, Klehs. Alameda County Congestion Management Agency: congestion management and environmental mitigation fee.

Existing law provides for the imposition by air districts and other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles.

This bill would authorize the Alameda County Congestion Management Agency to impose an annual fee of up to \$4 on motor vehicles registered within Alameda County for a program for the management of traffic congestion and the mitigation of environmental impacts of motor vehicles within that county. The bill would require the agency to have an independent audit performed on the program and to provide its findings to the Legislature. The bill would require a program with performance measures and a budget before the fee may be imposed. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the proceeds, after deduction of specified administrative costs, to the agency. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the motor vehicles paying the fee, and would require the agency to make a specified

finding of fact by a 2/3 vote. The fee would terminate on January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 2.66 (commencing with Section  
2 65089.20) is added to Division 1 of Title 7 of the Government  
3 Code, to read:

4  
5 CHAPTER 2.66. MANAGEMENT OF TRAFFIC CONGESTION AND  
6 ENVIRONMENTAL MITIGATION OF TRANSPORTATION IN ALAMEDA  
7 COUNTY

8  
9 65089.20. (a) The Alameda County Congestion Management  
10 Agency, which has been formed by the resolutions of the Board  
11 of Supervisors of Alameda County and a majority of the city  
12 councils within the county that represent a majority of the  
13 population in the incorporated area of Alameda County, may  
14 impose a fee of up to four dollars (\$4) on motor vehicles  
15 registered within Alameda County. The agency may impose the  
16 fee only if the board of the agency adopts a resolution providing  
17 for both the fee and a corresponding program for the  
18 management of traffic congestion and the mitigation of the  
19 impacts of motor vehicles on the environment within Alameda  
20 County as set forth in Sections 65089.21 to 65089.24, inclusive.  
21 Adoption by the board requires a vote of approval by board  
22 members representing two-thirds of the population of Alameda  
23 County.

24 (b) A fee imposed pursuant to this section shall not become  
25 operative until July 1, 2006, pursuant to the resolution adopted  
26 by the board in subdivision (a).

27 (c) The fee shall terminate on January 1, 2012, unless  
28 preauthorized by the Legislature.

29 65089.21. (a) The fees distributed to the agency pursuant to  
30 Section 9250.4 of the Vehicle Code shall be used for purposes of  
31 congestion management as specified in its adopted congestion  
32 management program pursuant to Section 65089, and for the

1 purposes of the mitigation of the impacts of motor vehicles on  
2 the environment.

3 (b) (1) The fees collected may be used to pay for programs  
4 with a relationship or benefit to the motor vehicles that are  
5 paying the fee.

6 (2) Prior to imposing the fee, the board of the association shall  
7 make a finding of fact by a 2/3 vote that those programs bear a  
8 relationship or benefit to the motor vehicles that will pay the fee.

9 (c) The purpose of the congestion management program is to  
10 address motor vehicle congestion.

11 (d) Only the environmental mitigation programs that directly  
12 address the negative impact motor vehicle usage has on the  
13 environment, such as air pollution, and storm water runoff caused  
14 by motor vehicles and the infrastructure supporting motor vehicle  
15 travel, are eligible for funding.

16 (e) Not more than 5 percent of the fees distributed to the  
17 agency shall be used by the association for its administrative  
18 costs associated with the program.

19 65089.22. Prior to the imposition of the fee by the agency, a  
20 specific program with performance measures and a budget shall  
21 first be developed and adopted by the agency at a noticed public  
22 hearing.

23 65089.23. The agency shall have an independent audit  
24 performed on the specific program adopted pursuant to Section  
25 65089.22 with the review and report provided to the board at a  
26 noticed public hearing.

27 65089.24. The agency shall provide a report to the Legislature  
28 on the specific program adopted pursuant to Section 65089.22 by  
29 July 1, 2008.

30 SEC. 2. Section 9250.4 is added to the Vehicle Code, to read:

31 9250.4. (a) The department shall, if requested by the  
32 Alameda County Congestion Management Agency, collect the  
33 fee imposed pursuant to Section 65089.20 of the Government  
34 Code upon the registration or renewal of registration of any  
35 motor vehicle registered in the county, except those vehicles that  
36 are expressly exempted under this code from the payment of  
37 registration fees.

38 (b) The agency shall pay for the initial setup and programming  
39 costs identified by the Department of Motor Vehicles through a  
40 direct contract with the department. Any direct contract payment

- 1 by the agency shall be repaid, with no restriction on the funds, to  
2 the agency as part of the initial revenues distributed. Regular  
3 Department of Motor Vehicles collection costs shall be in  
4 accordance with subdivision (c). These costs shall not be counted  
5 against the 5-percent administration cost limit specified in  
6 subdivision (e) of Section 65089.21.
- 7 (c) After deducting all costs incurred pursuant to this section,  
8 the department shall distribute the revenues to the agency.
- 9 (d) As used in this section, “agency” means the Alameda  
10 County Congestion Management Agency.